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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,185	02/06/2004	George J. Alexandropoulos	GEE-001.01	7204
21323	7590	06/03/2005		
TESTA, HURWITZ & THIBEAULT, LLP			EXAMINER	
HIGH STREET TOWER			SQUIRES, BRETT S	
125 HIGH STREET				ART UNIT
BOSTON, MA 02110				PAPER NUMBER
			2836	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/774,185	ALEXANDROPOULOS, GEORGE J.	
	Examiner Brett S. Squires	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

Specification

1. The corrections to the specification filed on March 15, 2005 have been received and are accepted by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7-21, and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Schramm (US 4,425,597).

Schramm discloses an electronic locking method and apparatus for actuating a solenoid or similar device (figure ref# “door unlock solenoid”) to unlock a car door in response to the user inputting a code that corresponds to the predetermined code (col. 1 lines 6-17). The user actuates the door handle (figure 1 ref# 10S and 10H) in a predetermined sequence, a detecting circuit detects the predetermined sequence of operation of the door opening actuator and generates an unlock signal if the sequence entered by the user corresponds to the predetermined sequence.

Schramm further discloses using flip-flops or registers (figure 2 ref# 44FA, 44FB, 44FC, and 44FD) to count the actuations of the door handle during the 7 second time interval provided by the 555 timer (figures 1-2 ref# 14 and col. 8 lines 59-61) for the user to input the predetermined code (col. 5 lines 31-68, col. 6 lines 1-25, and col. 8 lines 59-

68). The number of counted actuations of the door handle can be greater than one.

When the predetermined sequence for 4 flip-flops or registers is set to 1111, the door handle must be actuated four times within the 7 second time interval for the user to unlock the car door, thus the flip-flops or registers count the four actuations of the door handle.

Schramm even further discloses the number of counted actuations of the door handle in each time is associated with one digit (a binary 0 or 1) of a digit sequence (a word for the system using 4 registers or a byte for the system using 8 registers) representing a code being submitted to actuate the locking element and gain access to the car (col. 5 lines 4-66).

Regarding Claims 1-3, 7, 11, 13-14, 16-17, and 23-25:

See Column 2 lines 30-68, Column 3 lines 1-20, and Figures 1-2

Regarding Claims 4, 12, and 18:

See Column 4 lines 2-7 and figure 1 ref# 42

Regarding Claim 8, 15, and 21:

See Column 9 lines 4-16

Regarding Claim 9 and 19:

See Column 1 lines 6-17 and figure 1 ref# "door unlock solenoid"

Regarding Claim 10 and 20:

See abstract

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6 and 26 are rejected under 35 U.S.C. 103(a) as being obvious over Schramm (US 4,425,597) and Anderson (US 5,021,776).

Schramm discloses the above stated electronic locking method and apparatus for actuating a solenoid or similar device to unlock a door in response to the user inputting a code that corresponds to the predetermined code having a sensory signal generator such as a buzzer or light that outputs a signal capable of being sensed by a human being in response to the output of the pulse generator, but does not disclose identifying the operating mode based at least partly on a portion of the sequence of signal interruptions, the operating mode corresponding to at least one of a code change request and an access request.

Anderson discloses a keyless electronic combination lock adaptable for placement on a door with changeable entry codes, a lock-out code, and a programming code. The entry code can easily be changed by entering the programming code, which places the system in the programming mode of operation (abstract, col. 1 lines 52-68 and col. 2 lines 1-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Schramm to include a mode of operation that

allows the user to change the entry code such as that taught by Anderson in order to provide the user maximum convenience for changing the entry code.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being obvious over Schramm (US 4,425,597) and Godau (US 5,781,125).

Schramm discloses the above stated electronic locking method and apparatus for actuating a solenoid or similar device to unlock a door in response to the user inputting a code that corresponds to the predetermined code using optical relay switches to sense the movement of the door handle (col. 9 lines 4-14), but does not disclose that the optical relay operate in the infrared bandwidth.

Godau discloses a wireless exchange of data between two devices in a motor vehicle using infrared relays which contain infrared transmitting and receiving parts (col. 4 lines 22-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Schramm to include using optical relay switches that operate in the infrared bandwidth such as that taught by Godau in order to prevent the optical relay switches from transmitting extraneous switching data caused by the ambient light in the environment.

Response to Arguments

7. Applicant's arguments filed March 15, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Schramm does not disclose counting the number of trigger events during each time interval where the number counted in a given time interval can be greater than one, the examiner respectfully asserts that the time interval is the 7 second time interval for the user to enter the predetermined code provided by the 555 timer and not the time interval of a single door lift event. The number of actuations of the door handle that can be counted during this time interval is equivalent to the number of flip-flops or registers being used in the latching memory with the minimum number of flip-flops or registers being four (See above rejection; col. 5 lines 4-68, col. 6 lines 1-25, and col. 8 lines 59-68).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brett S. Squires whose telephone number is (571)272-2268. The examiner can normally be reached on 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2058. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brett S Squires
Examiner
Art Unit 2836



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2836